

REMARKS

The Official Action of July 18, 2003, and the references cited therein have been carefully considered. The Applicant respectfully requests reconsideration of the application in view of the following remarks. Claims 1-7 and 9-10 have been canceled without prejudice and rewritten as new Claims 11-20. Support for this amendment is found in the specification, e.g. at page 8, line 15 to page 9, line 13, and the claims of the application as filed.

Claims 11-20 are pending in the application.

I. Restriction Requirement

Under PCT Rule 13.1 and 37 CFR 1.499, the Examiner required restriction among: the variations of Y, R<sup>3</sup>, Z, etc. in that they encompass different heterocycles.

Applicants respectfully request reconsideration and withdrawal of the foregoing requirement for restriction under 37 C.F.R. §1.143. As stated in MPEP §803 there are two criteria for a proper requirement for restriction between patentably distinct inventions: (1) the inventions must be independent or distinct as claimed; and (2) there must be a serious burden on the Examiner if restriction is not required. As the Examiner noted, the designated Groups are patentably distinct as claimed. Applicants respectfully assert, however, that there will not be a serious burden on the Examiner if restriction is not required. The common structural core which is found among the compounds which are prepared and employed in accordance with the present invention provides a common link among the above-noted groups, thus facilitating examination. Because no serious burden for examination is present if restriction is not required, Applicants respectfully request withdrawal of the requirement for restriction.

Nevertheless, in the interest of compact prosecution the claims have been amended with respect to the elected invention. Accordingly, the requirement for restriction has been rendered moot.

II. Rejection of Claims 9 Under 35 U.S.C. § 112, First Paragraphs

Claim 9 stands rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement. The Examiner was concerned with respect to the terms "further compounds of formula I". Applicants respectfully assert that the specification fully enables such claim language and the claims particularly point out and distinctly claims the subject matter that they regard as their invention, but in the interest of compact prosecution, they have amend the claims with respect to such terms in presenting new Claim 18.


Accordingly, the rejection of Claim 9 under 35 U.S.C. § 112, first paragraph, for lack of enablement has been overcome.

III. Objection to Claims 1-7 and 9-10 for Improper Format

Claims 1-7 and 9-10 stand objected to for being in improper format. Applicants respectfully assert that the terminology within the claims is appropriate, but in the interest of compact prosecution, they have amend the claims as requested by the Examiner. Accordingly, the objection to Claims 1-7 and 9-10 for being in improper format has been overcome.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

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